HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.13275 of 2006

-

-

Between:

M/s. Vijayanand Textile Mills (P) Ltd.,
15-2-345, Mukthazar Gunj, Hyderabad,
represented by its Director, Sri Gopal
Chand Agarwal and another

……Petitioners

And

A.P Pollution Control Board,
Paryavaran Bhavan, A-3,
Industrial Estate, Sanath Nagar,
Hyderabad, Rep. by its Member Secretary
and three others

……Respondents

:: ORDER ::

Counsel for Petitioner No.1 : Shri C.V.R.Rudra Prasad

Counsel for Petitioner No.2 : Shri B. Shanker

Counsel for Respondent No. 1 : Shri S.V.Bhatt

October 13, 2006

Per G.S. SINGHVI, CJ

In this petition, the petitioners have prayed for grant of a declaration that order passed by the Supreme Court in I.A.No.16 of 2005 in Writ Petition No.657 of 1995 and the judgment reported in **Research Foundation for Science Technology Resource Policy v. Union of India**[1] are not applicable to its industry. They have also prayed for quashing order dated 4-4-2006 passed by the Appellate Authority constituted under Water (Prevention and Control of Pollution) Act, 1974 (for short, 'the Water Act') and Air (Prevention and Control of Pollution) Act, 1981 (for short, 'the Air Act') and closure order dated 27-2-2006 passed by the Andhra Pradesh Pollution Control Board (for short, 'the Board').

On the last date of hearing i.e. 20-9-2006, the Court passed the following order:

> " Shri S.R.Ashok for the petitioners.
>
> Shri S.V.Bhatt for the Andhra Pradesh Pollution Control Board.
>
> Heard learned counsel for the parties.
>
> During the course of hearing, Shri S.V.Bhatt, learned counsel for the Andhra Pradesh Pollution Control Board disclosed that neither of the petitioners has subsisting consent under the Water Act or the Air Act.
>
> Learned counsel for the petitioners requests for an adjournment to indicate whether or not his clients applied for grant of permission in terms of Sections 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.
>
> Adjourned to 12.10.2006."

Shri C.V.R.Rudra Prasad invited our attention to affidavit dated 11-10-2006 of Shri Gopalchand Agarwal, Director of petitioner No.1 to show that petitioner No.1 has already filed application for grant of consent under Sections 25 and 26 of the Water Act and Section 21 of the Air Act and submitted that the Court may dispose of the writ petition by directing the Board to expeditiously decide his client's application for grant of consent.

Shri B.Shanker submitted that petitioner No.2 may be given liberty to apply for consent under Sections 25 and 26 of the Water Act and Section 21 of the Air Act.

Shri S.V.Bhatt, learned counsel for the Board submitted that the application made by petitioner No.1 will be considered and decided by the competent authority within a period of four weeks. He further submitted that the application, if any, made by petitioner No.2 for grant of consent will be decided by the competent authority within six weeks of its submission.

In view of the statements made by learned counsel for the parties, the writ petition is disposed of with the following directions:

1) The application made by petitioner No.1 for grant of consent shall be decided by the competent authority within a period of four weeks from today and the decision be communicated to the said petitioner.

2) The application, if any, made by petitioner No. 2 shall be decided by the competent authority within next six weeks.

3) If the petitioners feel aggrieved by the decision of the competent authority, then they shall be free to institute fresh petitions.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

13-10-2006
ks

---

[1] (2005) 10 SCC 510